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July 1, 2005

## Via Electronic Filing (ECFS)

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, D.C. 20002

Re: Facility ID No. 33543  
KATV(TV), Little Rock, Arkansas  
Request for Waiver of Interference Protection Deadline  
MB Docket No. 03-15

Dear Ms. Dortch:

KATV, LLC ("KATV"), licensee of KATV(TV), NTSC Channel 7/DTV Channel 22, Little Rock, Arkansas, by its undersigned counsel, hereby requests a waiver of the interference protection deadline established by the Commission in the Second DTV Periodic Report & Order in the above-referenced docket.<sup>1</sup> This waiver request is filed pursuant to the Commission's recent Public Notice addressing various DTV channel election issues relating to the July, 1, 2005 replication/maximization deadline.<sup>2</sup> As demonstrated more fully below, KATV has been unable to complete construction of its maximized DTV facilities due to circumstances beyond its control. For this reason, KATV also hereby requests a renewal of its Special Temporary Authority ("STA") to continue reduced-power DTV operations while it completes construction of its maximized facility. See FCC File No. BEDSTA-20050504ACW.

<sup>1</sup> *Second DTV Periodic Review Report and Order*, 9 FCC Rcd 18,279 (released September 7, 2004) ("Second DTV Periodic Order").

<sup>2</sup> Public Notice, "DTV Channel Election Issues – Compliance with the July 1, 2005 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline," DA 05-1636, released June 15, 2005.

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KATV is the ABC affiliate in the Little Rock-Pine Bluff, Arkansas DMA, which is one of the top-100 markets in the U.S. KATV has a maximized DTV construction permit to operate from its current analog transmission site with an ERP of 750 kW and an HAAT of 574 meters (1883 feet). See FCC File No. BPCDT-19991027ABF. KATV certified on Form 381 that it would build-out these facilities (or the equivalent thereof) on its post-transition DTV channel. See FCC File No. BCERCT - 20041105AWQ. On June 8, 2005, the Commission issued to KATV a tentative channel 22 designation for its post-transition DTV operations.<sup>3</sup> Following that designation and pursuant to the interference protection deadlines adopted by the FCC in the *Second DTV Periodic Order*, KATV was required to build-out its maximized DTV facility by July 1, 2005 because channel 22 is its DTV channel.<sup>4</sup>

KATV has been unable to complete construction of its maximized DTV facility because, *inter alia*, the FCC has not yet approved a pending minor modification seeking permission to replace KATV's top-mounted, analog antenna with a combined NTSC 7/DTV 22 antenna. See FCC File No. BPCT-20050308ABM. The replacement of KATV's top-mounted analog antenna with a combined NTSC/DTV antenna is necessary due to severe windloading constraints on its 1859 foot broadcast tower.<sup>5</sup> Despite KATV's substantial efforts to strengthen its broadcast tower, the tower is at or very close to its windload capacity. As a result, KATV was required to create a unique technical proposal that did not increase tower windload but nonetheless allowed the addition of its 750 kW DTV operation while preserving the full-power analog operations of KATV (channel 7) and KETS (channel 2). An antenna like the kind proposed by KATV in the underlying analog application, which combines an analog and a digital signal separated by 15 channels (and even more spectrum), only recently became commercially available following significant improvements in the design and manufacture of digital antennas.

KATV awaits Commission action on its analog construction permit application so that it can move forward and complete the build-out. All equipment has been selected and the design has been approved. Upon Commission approval of the analog construction permit, KATV will complete the ordering process for the combined antenna, transmission line, combiners and other equipment needed to commence maximized DTV operations within the windloading constraints of its tower. Additionally, KATV will complete any necessary modifications to its transmitter building to accommodate the specially designed equipment needed to combine KATV's analog and digital signals.

As demonstrated above, KATV submits that it has been unable to complete construction due to circumstances beyond its control and that the requested waiver of the interference protection deadline should be granted. In addition, for the same reasons, KATV requests a renewal of the above-referenced, reduced-power DTV STA so that it can continue to

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<sup>3</sup> Public Notice, "DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections," DA 05-1743, released June 23, 2005 & Accompanying Table.

<sup>4</sup> See *Second DTV Periodic Order*, ¶ 78.

<sup>5</sup> The overall height of KATV's tower with the top-mounted analog antenna is approximately 2,000 feet.

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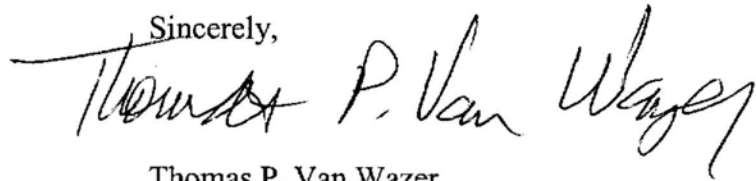
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provide DTV service to the Little Rock market while it completes construction of its maximized DTV facility. KATV's current DTV STA facility provides coverage to nearly 64 percent of KATV's baseline analog service population and a 48 dBu signal to Little Rock, KATV's City of License. Because the DTV STA enables KATV to provide ABC digital programming, including the many hours of HD programming the network now provides, to the Little Rock market, KATV submits that the request to renew its reduced-power DTV STA is in the public interest and should be granted.

Please direct any questions regarding this request to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Van Wazer". The signature is fluid and cursive, with the first name "Thomas" written in a larger, more prominent script than the last name.

Thomas P. Van Wazer